

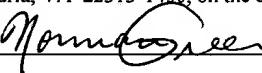


PATENT
Docket No. 564462001620

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 441682980 US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 6, 2005

Signature:  (Norman Green)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Walter CALLEN et al.

Serial No.: 09/656,309

Filing Date: September 6, 2000

For: ENZYMES HAVING HIGH
TEMPERATURE POLYMERASE
ACTIVITY AND METHODS OF USE
THEREOF

Examiner: R. Hutson

Group Art Unit: 1652

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in a Supplementary European Search Report mailed on July 6, 2004 (copy attached) directed to a counterpart international or foreign application. A certification under 37 C.F.R. § 1.97(e)(1) follows:

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of __ is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does

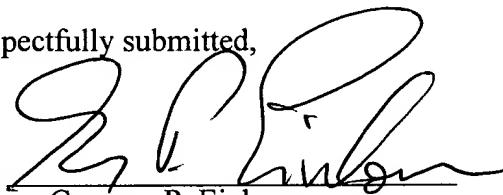
not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 564462001620. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 6, 2005

Respectfully submitted,

By:



Gregory P. Einhorn
Registration No. 38,440

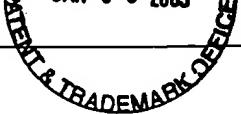
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3811 Valley Centre Drive
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San Diego, California 92130-2332
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Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(use several sheets if necessary)

JAN 06 2005



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|-------------------------------|-------------------------------|
| Docket Number 564462001620 | Application Number 09/656,309 |
| Applicant | Walter CALLEN et al. |
| Filing Date September 6, 2000 | Group Art Unit 1652 |
| Mailing Date January 6, 2005 | |

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|----------|------|--------------|------|-------|----------|----------------------------|
| | | | | | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|-------------------|----------|---------|--------------|---------|-------|----------|--------------------|
| | 1. | 11/1994 | EP 0624641 | EPO | | | |
| | 2. | 11/1995 | JP 07298879 | Japan | | | |
| | 3. | 12/1995 | JP 07327684 | Japan | | | |

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title |
|-------------------|----------|--|
| | 4. | Deckert et al., Nature 392:353-358 (1998) |
| | 5. | Edgell et al., Journal of Bacteriology 179:2632-2640 (1997) |
| | 6. | Supplementary European Search Report mailed on July 6, 2004, for European patent application no. EP 98940988, filed on August 6, 1998, 4 pages |
| | 7. | Pisani et al., Nucleic Acids Research 20(11):2711-2716 (1992) |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.